

LABOUR DEPARTMENT

The 10th. August, 1984

No. 9/5/84-6Lab/5127.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Kapoor Sons, Plot No. 1/41A, DLF Industries Area, Mathura Road, Faridabad:—

IN THE COURT OF SHRI R.N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 140 of 1983

between

SHRI SANJIWAN, WORKMAN AND THE RESPONDENT-MANAGEMENT
OF M/S KAPOOR SONS, PLOT NO. 1/41-A, D.L.F. INDUSTRIAL AREA,
MATHURA ROAD, FARIDABAD.

Present :

None, for the Parties.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/35-83/20620—25, dated 3rd May, 1983 under section 10(1)(c) of the Industrial Disputes Act, 1947, for adjudication of the industrial dispute existing between Shri Sanjiwan, workman and the respondent-management of M/s. Kapoor Sons, Plot No. 1/41-A, D.L.F. Industrial Area, Mathura Road, Faridabad. The terms of the reference was :—

Whether the termination of services of Shri Sanjiwan was justified and in order ? If not, to what relief is he entitled?

Shri Chaman Lal Oberai through whom this demand notice was served, has stated on 14th April, 1984 that the workman has taken back his paper from him. Hence the proceedings were awaited for him, but none has turned up so far. It shows that the workman is not interested to pursue the reference. Hence the award is given that no dispute is pending between the parties.

Dated, the 11th July, 1984.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 1450, dated the 21st July, 1984

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/5299.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Hissar Textile Mills, Hissar.

BEFORE SHRI. B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 21 of 84

between

SHRI RAM SUKH, WORKMAN AND THE MANAGEMENT OF M/S HISSAR TEXTILE
MILLS, HISSAR.

Present :

Shri T. C. Gupta, A. R., for the workman.

Shri N. K. Garg, Law Officer, for the management.

AWARD

This reference has been referred to this Court by the Hon'ble Governor,—*vide* his order No. 167-72, dated 28th February, 1984 under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Ram Sukh, workman and the management of M/s. Hissar Textile Mills, Hissar. The term of reference was:—

Whether the termination of services of Shri Ram Sukh was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties concerned. The parties appeared and the workman filed his claim statement. Later, on the parties, settled the dispute,—*vide* agreement marked "X" placed on record. Statement of the authorised representative of the workman Shri T.C. Gupta was recorded in that behalf. The workman agreed to give up his right of reinstatement or re-employment and all other rights appurtenant thereto. So I give my award that the termination of services of the workman was justified and in order and as such he is not entitled to any relief.

B. P. JINDAL,

The 24th July, 1984.

Presiding Officer,

Labour Court, Rohtak,
Camp Court at Hissar,

Endorsement No. 22-84/2598, dated the 27th July, 1984.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,

Labour Court, Rohtak,
Camp Court at Hissar.

No. 9/5/84-6Lab/5300.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Hissar Textile Mills, Hissar.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 218 of 1983

between

SHRI RATTAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S HISSAR
TEXTILE MILLS, HISSAR

Present :

Shri Tek Chand Gupta, A. R., for the workman.

Shri N. K. Garg, Law Officer, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. 58993-97, dated 10th November, 1983, under section 10(1) (c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Rattan Singh, workman and the management of M/s Hissar Textile Mills, Hissar. The term of the reference was:—

Whether the termination of services of Shri Rattan Singh, was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties concerned. The parties appeared and the workman filed his claim statement. Later on the parties settled the dispute,—*vide* agreement marked “X” placed on record. Statement of the authorised representative of the workman Shri T. C. Gupta was recorded in that behalf. The workman agreed to give up his right of reinstatement or re-employment and all other rights appurtenant thereto. So, I give my award that the termination of services of the workman was justified and in order and as such he is not entitled to any relief.

Dated the 25th July, 1984.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court at Hissar.

Bndst. No. 218-83/2800, dated the 28th July, 1984.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court at Hissar.

No. 9/5/84-6Lab/5301.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of Chief Engineer P. & C. Haryana State Electricity Board, Hissar :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 118 of 1981

between

SHRI SWAMI CHARAN, WORKMAN AND THE MANAGEMENT OF CHIEF
ENGINEER P. & C. HARYANA STATE ELECTRICITY BOARD, HISSAR

Present :—

Shri S. S. Gupta A. R. for the workman.

Shri Jaspal Singh Law Officer for the management.

AWARD

This reference has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his Order No. ID/HSR/65/81/46936, dated 15th September, 1981, under section 10(i) (c) of the Industrial Disputes Act, for adjudication of the dispute existing between Shri Swami Charan, workman and the management of Chief Engineer P. & C. Haryana State Electricity Board, Hissar. The terms of the reference was:—

Whether the termination of services of Shri Swami Charan was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. The workman choose to file a claim statement alleging that his services were terminated by the management with effect from 28th March, 1981 and that his termination is illegal, capricious and against the provisions of the Industrial Disputes Act, 1947 and principles of natural justice and the instructions of the management regarding termination of services and furthermore management did not comply with the provisions of section 25(F) of the said Act.

In the reply filed by the management a preliminary objection taken was that the reference is bad in law because the applicant/workman was employee of the Haryana State Electricity Board which has not been impleaded as a party. On merits, it is alleged that the applicant was appointed as Lower Division Clerk on *ad hoc* basis for a period of six months on 25th September, 1979 which

was further extended for another Six months again on *adhoc* basis and thereafter the services of the petitioner were terminated after complying with the provisions of section 25 (F) of the said Industrial Disputes Act, 1947.

On the pleadings of the parties the following issues were laid down for decision by my learned predecessor Shri B. L. Dalal,—*vide* his order, dated 15th April, 1982 :—

1. Whether the reference is bad in law for non-joinder of necessary party ?
2. Whether the services of the workman were retrenched by following the legal formalities involved therein ?
3. If issues No. 1 & 2 are not proved, whether termination of services of Shri Swami Chanan was justified and in order ? If not, to what relief is he entitled ?

After the parties had gone through the gamut of adducing evidence, they settled the dispute amicably, under which the workman was reinstated without back wages and as such the workman made a statement in the Court that he does not want to prosecute the reference any further. So I give my award that the termination of services of the workman were not justified but since he has voluntarily agreed to relinquish back wages, this relief cannot be granted to him.

B. P. JINDAL,

Dated the 24th July, 1984.

Presiding Officer,

Labour Court, Rohtak,
Camp Court at Hissar.

Endorsement No. 118-81/2599, dated 28th July, 1984.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,

Labour Court, Rohtak,
Camp Court at Hissar.

No. 9/5/84-6Lab/5302.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Hissar Textile Mills, Hissar.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 220 of 1983

• *between* •

SHRI JAG PAL SINGH, WORKMAN AND THE MANAGEMENT OF M/S. HISSAR
TEXTILE MILLS, HISSAR

Present :

Shri Tek Chand Gupta, A. R. for the workman.

Shri N. K. Garg, Law Officer for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. 59005—09, dated the 10th November, 1983, under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Jag Pal Singh, workman and the management of M/s. Hissar Textile Mills Hissar. The term of reference was :—

Whether the termination of services of Shri Jag Pal Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties concerned. The parties appeared and the workman filed his claim statement. Later on the parties settled the dispute,—*vide* agreement marked "X" placed on record. Statement of the authorised representative of the workman Shri T. C. Gupta, was recorded in that behalf. The workman agreed to give up his right of reinstatement or re-employment and all other rights appurtenant thereto. So I give my award that the termination of services of the workman was justified and in order and as such he is not entitled to any relief.

B. P. JINDAL,

Dated the 25th July, 1984.

Presiding Officer,

Labour Court, Rohtak,
Camp Court at Hissar.

Endst. No. 220-83/2601, dated the 28th July, 1984.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,

Labour Court, Rohtak,
Camp Court at Hissar.

No. 9/5/84-6Lab/5304.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Bharakhan Co-operative Credit and Service Society Ltd., Bharakhan (Sirsa).

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, HARYANA
ROHTAK

Reference No. 67 of 1984

between

SHRI HAZARI LAL, WORKMAN AND THE MANAGEMENT OF M/S BHARAKHAN
CO-OPERATIVE CREDIT AND SERVICE SOCIETY LTD., BHARAKHAN
(SIRSA)

Present.—

Shri Hardev Singh, A. R. for the workman.

Shri S. S. Goyal, for the management.

AWARD

This reference has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. 16810—15, dated 30th April, 1984, under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Hazari Lal, workman and the management of M/s Bharakhan Co-operative Credit and Service Society Ltd., Bharakhan (Sirsa). The terms of the reference was :—

Whether the termination of services of Shri Hazari Lal was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties as usual. They appeared. Before the petitioner could file my claim statement, his counsel Shri Hardev Singh Advocate made a statement that he had no instructions to appear in this reference and that the workman has

never contacted him. The demand notice was filed by him through Shri Hardev Singh, Advocate and so this reference is dismissed for non-prosecution.

B. P. JINDAL,

Dat d the 28th July, 1984.

Presiding Officer,
Labour Court, Rohtak.

Endst. No. 67-84/2603, dated the 28th July, 1984.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6Lab/5305.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Haryana Pashu Chiktsa Tika Sanstha, Hissar.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 235 of 1980

between

SHRI SUBE SINGH, WORKMAN AND THE MANAGEMENT OF M/S HARYANA
PASHU CHIKITSA TIKA SANSTHA, HISSAR.

Present :

Shri T. C. Gupta, A. R. for the workman.

Shri Madan Mohan Mehta, A. R. for the management.

AWARD

This reference has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/HSR/54-80/54615, dated 24th October, 1980 under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Sube Singh, workman and the management of M/s. Haryana Pashu Chiktsa Tika Sanstha, Hissar. The term of the reference was:—

Whether the termination of service of Shri Sube Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties as usual. They appeared. A few undisputed facts which emerge from the file are that the workman was employed as Laboratory Assistant w. e. f. 30th January, 1976 by the respondent and worked as such till 7th March, 1978. Thereafter on the pain of retrenchment he opted to work as Laboratory Attendant w.c.f. 16th November, 1978 to 16th February, 1979. Prior to that he worked without wages with the respondent from 8th March, 1978 to 15th November, 1978. Mercifully he was retained to work as Laboratory Attendant against the higher post of Laboratory Assistant w.e.f. 17th February, 1978 to 31st December, 1979 against a vacant post. The services of the workman were terminated on 31st December, 1979. The order of termination passed by the Deputy Director, Haryana Vety. Vaccine Institute, Hissar reads as under:—

The services of Shri Sube Singh, Lab. Attendant working purely temporary are no longer required in this Institute after 31th December, 1979 as his work and conduct has been found unsatisfactorily.

Against his order of termination when re-conciliation talks failed, reference was made to this Court for adjudication.

The respondent in the reply filed, alleged that the workman was employed not on daily wages but on regular basis and that respondent Institute is working under care and control of the Director of Animal Husbandry, Haryana and that the petitioner is not a workman as defined in the Industrial Disputes Act, 1947, nor the defendant is an "Industry" as defined in the said Act.

On the pleadings of the parties, following issues were settled for decision on 13th January, 1981:—

1. Whether the applicant is a workman under section 2 (s) of the Industrial Disputes Act, 1947?
2. Whether the respondent is not an Industry as defined in the Industrial Disputes Act, 1947?
3. Whether the termination of services of Shri Sube Singh was justified and in order? If not, to what relief is he entitled?

My findings on the issues framed are as under:—

Issue No. 1.—On this issue no arguments were addressed on behalf of the respondent because the definition of the term workman as given in section 2 (s) of the Industrial Disputes Act, 1947 is all embracing and is of the widest amplitude. The case of the petitioner is fully covered in the said term. So there is no difficulty in holding that the petitioner is a workman as defined in section 2 (s) of the said Act.

Issue No. 2.—On this issue the learned authorised representative for the petitioner Shri T. C. Gupta cited 1981 Indian Factories Journal page 60, *Zila Parishad, Ferozepur V/s Labour Court, Patiala and others*. In the cited authority it was held that Zila Parishad maintaining a unit of Vaccinators in its development programme provide better facilities to the people living in the rural areas and to check, if no eradicate the diseases of Smallpox, Cholera, etc. from the areas falls within the definition of "Industry" as given in section 2 (J) of the Industrial Disputes Act, 1947. It was conceded at the bar by the learned counsel for the respondent Shri A. C. Chaudhry that the respondent Institute is engaged in the manufacture of vaccine. So there is no escape from the conclusion that the respondent is an 'Industry' as defined in section 2 (J) of the said Act.

Issue No. 3.—Admittedly no enquiry was held against the petitioner/workman. Undisputedly he was not paid any retrenchment compensation as envisaged under section 25 (F) of the Industrial Disputes Act, 1947. Undisputedly the workman was in the employment of the respondent for the last more than one year on the date his services were dispensed with. As already reproduced above, the order of termination of the workman makes a very interesting reading. His services were dispensed with firstly, on the ground that his services were no more required by the respondent and secondly that his work and conduct was not satisfactory. It is difficult to reconcile the two divergent stands which emerge from the order of termination. If the workman was retrenched he should have been given all the benefits of 25 (F) of the said Act. On behalf of the workman 1980 LLJ Part II page 72 *Santosh Gupta V/s State Bank of India* was cited. The case of the workman does not fall within the provisos appended to the definition of the term 'retrenchment' as given in section 2 (oo) of the said Act. So there is no difficulty to holding that since the conditions prescribed by section 25 (F) of the Industrial Disputes Act, 1947 having not been complied with, the termination of services of the workman was illegal and unlawful and as such he is entitled to be reinstated.

So I give my award that the termination of services of the workman was illegal and unlawful and as such he is ordered to be reinstated, with continuity of service and with full back wages. The reference is answered and returned accordingly.

Dated, 28th July, 1984

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 235-80/2604, dated 28th July, 1984.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section-15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.